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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,209	03/06/2002	Erkki Tanskanen	NC28050-D2	7727
26343	7590	09/07/2005	EXAMINER	
STEVEN A. SHAW NOKIA, INC. 6000 CONNECTION DRIVE MD 1-4-755 IRVING, TX 75039			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,209

Applicant(s)

TANSKANEN, ERKKI

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,10-14,16-21,23-26 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,10-14,16-21,23-26 and 34-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Examiner acknowledges receipt of the RCE filed with the amendment on 5/31/05. According to the amendment, claim 28 has been canceled, claims 36-41 have been added, and claims 1-5, 8, 10-14, 16-21, 23-26 and 34-41 are pending in the application.

Claim Objections

1. Claims 1-2, 18-19 and 24 are objected to because of the following informalities:
 - a) In claim 1, line 16, the claimed limitation "data" should be corrected to "said data".
 - b) In claim 2, line 3; and claim 19, line 3, the claimed limitation "a game" should be corrected to "the game".
 - c) In claim 18, line 13, the claimed limitation "the display" should be corrected to "a display".
 - d) In claim 18, line 14, the claimed limitation "said button" should be corrected to "a button".
 - e) In claim 24, line 2, the claimed limitation "a selection" should be corrected to "said selection".

Appropriate correction is required.

Duplicated claims

2. Claim 35 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 34. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8, 10-14, 16-21, 23-26 and 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scagnelli et al (US Patent No. 5,816,919) in view of Feola (US Patent No. 6,149,156).

As per claim 1-5, Scagnelli discloses a method for providing electronic lottery game over a telephone game terminal (col. 1, lines 18-20; col. 3, lines 31-33 and 61-64). The method comprises transmitting a game identification number to the telephone handset (Fig. 3B and 3C; and col. 6, lines 45-53), transmitting a plurality of game parameters and receiving data related to

selections (Fig. 5A and 5B; col. 7, lines 38-58; col. 8, lines 11-20 and 44-56); calculating win/loss value at the betting service and transmitting the win/loss value to the game terminal (col.12, lines 9-11). Scagnelli does not explicitly disclose the wireless network and the wireless game terminal having a display and a button array; and Scagnelli does not explicitly disclose presenting a plurality objects on the display, allowing the player to elect one of the objects, replacing the selected object with another object. However, Scagnelli discloses that replacing the wired telephone with a wireless cellular telephone would have been obvious (col. 3, lines 31-33). Further, a cellular telephone having a display and button array would have been well known. Feola discloses presenting a plurality objects on the display (Fig. 10), allowing the player to elect one of the objects, replacing the selected object with another object (col. 3, lines 17-31; col. 8, lines 50-54, 66-67; and col. 9, lines 1-8). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the wired telephone of Scagnelli with a cellular telephone as suggested by Scagnelli and to include allowing the player to elect one of the objects presented on the display and replacing the selected object with another object as taught by Feola to the method Scagnelli in order to facilitate mobility for the player and to allow the player to play an electronic scratch-off lottery game.

As per claim 8, storing game identification numbers on a database would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 10, 12-14, 16-21, 23, and 25-26, refer to discussion in claims 1, 3, 5, and 8 above.

As per claim 11 and 24, Scagnelli discloses logging on to the network (col. 6, lines 6-16 and 56-58).

As per claim 34-35, implementing a software including instructions to a flash memory would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 36-37, Feola discloses a plurality of block-shaped graphical objects 36 (FIG. 6). Further, displaying identical graphical objects would have been both well-known and obvious design choice.

As per claim 38, Feola discloses card object having numeral as the second graphical object.

As per claim 39-41, refer to discussion in claims 36-38 above.

Response to Arguments

5. Applicant's arguments on 5/31/05 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Date: August 25, 2005



Kim Nguyen
Primary Examiner
Art Unit 3713